

Excerpts
Planning Commission Minutes
September 8, 2004

Application No. ZM-89-04, Williamsburg Furniture: Request to amend the York County Zoning Map by reclassifying from R13 (High-Density Single Family Residential) to GB (General Business) an approximately 10,149 square foot land-locked parcel of land located off the south side of Second Street (Route 162) at the southwest quadrant of the intersection of Second Street and Merrimac Trail (Route 143). The property is identified as Assessor's Parcel No. 10-16 and contains the rear portion of the Williamsburg Furniture building. The Comprehensive Plan designates this area for General Business development; and

Application No. UP-647-04, Holiday Chevrolet-Cadillac, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 5b) of the York County Zoning Ordinance, to authorize the expansion of an existing motor vehicle sales and service facility located at 539 and 543 Second Street (Route 162). The properties are located at the southwest quadrant of the intersection of Second Street (Route 162) and Merrimac Trail (Route 143) and are identified as Assessor's Parcel Nos. 10-18 and 10-19. The parcels are zoned GB (General Business) and are designated for General Business development in the Comprehensive Plan.

Ms. Amy Parker, Senior Planner, summarized the staff memorandum to the Commission dated August 31, 2004, in which the staff made a recommendation of approval. She said no proffers were proposed and the business, if approved, would be subject to the terms of the Tourist Corridor Management overlay district.

Ms. Parker read aloud a letter received September 6, 2004, from a neighbor who was unable to be present.

Dear Ms. Parker,

Please read the following anonymously and place this document in the public record.

This email is regarding applications numbers ZM-89-04 and UP-647-04 concerning the expansion of Holiday Chevrolet-Cadillac, Inc.

I have reviewed the plans for the site and I would like to ask that the wording of the application be amended to include language specific to certain zoning requirements to protect the residential environment of my neighborhood, Middletowne Farms. Specifically, I would like to be assured that the following requirements be addressed: 1) lighting should be directed away from the neighborhood 2) a buffer of 35 feet, preferably including a fence and shrubbery, should be maintained on the dealership's lots 3) that the use of loudspeakers be specifically banned 4) technology used be utilized to minimize paint fumes from drifting into nearby residential properties 5) that no vehicular access to the lots be allowed through the neighborhood.

The neighborhood of Middletowne Farms dates back to the early 1950's. We truly represent a cross-section of the population of Williamsburg: young families, retirees, single professionals, and college students. The commercial development has continued to encroach our quiet enclave. We have been fortunate for many years to be bordered by a landscape company which by the nature of the business created a peaceful buffer. As Williamsburg transitions into a higher density community, I expect to find higher impact neighbors such as a car dealership. (We have a veterinarian clinic and a WaWa convenience store being constructed on the other end of the neighborhood.) All I ask is that the safeguards that are provided in the zoning regulations are enforced for the benefit of our neighborhood and ultimately for the county as well.

Thank you.

A neighbor.

Ms. Parker pointed out the applicants propose to screen the adjacent residential area with evergreen trees and fencing. She said any hazardous materials used would be subject to Virginia Department of Environmental Quality regulations. No vehicular access to the residential area was proposed nor would it be allowed under the Zoning Ordinance standards, she added.

Mr. Simasek inquired if loudspeakers or fumes have been a problem. **Ms. Parker** stated there have been complaints to Zoning and Code Enforcement in the past.

Ms. Parker verified that lighting intensity measurements were determined at higher than ground levels.

Mr. Barba asked if more impervious surface would be added. **Ms. Parker** noted the impervious areas on the site of the existing building would remain about the same, and there would be an increase on the adjacent parcel to the west, formerly occupied by a plant nursery (The Greener Side) on which the applicant proposes to expand the auto dealership. The gravel areas are considered partially impervious for storm water runoff calculations.

Mr. Ptasznik inquired about the purpose of the rezoning. **Ms. Parker** explained that the zone change would enable the applicant to develop the former Greener Side parcel without the transitional buffer restriction for the side yard.

Mr. Simasek asked if there are nonconforming issues other than the existing freestanding signs. **Ms. Parker** said, with the exception of the front yard, the landscaping for required parking does not meet current standards but the proposed conditions, if met, would bring it into compliance. She added that existing landscaping in front of a portion of the building is insufficient to meet current standards and the applicant does not propose additional landscaping to meet minimum standards. **Mr. Simasek** asked why not, and **Ms. Parker** explained that in the view of the Zoning

Administrator some leniency would be appropriate because the 1988 site plan preceded front yard landscaping zoning regulations and required less landscaping than is required today.

Mr. Mark Carter noted that the applicant has for some time been allowed by the Virginia Department of Transportation (VDOT) to park vehicles in VDOT's right-of-way. The County has encouraged the applicant to approach VDOT about acquiring part of the right-of-way in front of its building to afford an expanded parking and landscaped area.

The Chair opened the public hearing.

Mr. Mike Baust, Rickmond Engineering, Inc., 1643 Merrimac Trail, represented the applicants. He noted that Mr. Hudgins, the applicant for Application No. UP-646-04, had received a complaint concerning the loudspeakers and subsequently reduced their volume and no complaints have been made since.

Mr. Baust reviewed the history of the automobile dealership since it was established in 1982 as a GMC dealer and its relationship with Chevrolet dating from 1996. Mr. Baust said the demand for automobiles and wider model selections have increased the need for inventory and service space. He explained the applicant has been allowed to store automobiles at an old bank lot on Merrimac Trail and has been advised that it is acceptable to the County to move the storage lot to the former Greener Side lot during the application process. He said the business has generated \$280,000 in local tax revenues.

Mr. Baust requested the following exceptions to proposal Resolution PC04-22:

- Delete condition 3 - allow existing signage.
- Delete condition 4 - allow existing display area to remain unchanged because compliance would cause the elimination of prime display area.
- Revise condition 6 - eliminate reference to Condition No. 4.
- Revise condition 10 - allow up to six vehicles to park in the public right-of-way.

Chair Simasek, seeing no others who wished to speak, closed the public hearing.

Mr. Ptasznik inquired about the sign violation. **Ms. Parker** explained that the pole sign has always been in the public right-of-way although it appears no permits for it were issued. The Zoning Ordinance has never allowed offsite signage, thus making the sign illegal.

Mr. Carter said the sign placement is illegal, as opposed to nonconforming. The County could issue a citation to the applicant that could be appealed to the Board of Zoning Appeals, **Mr. Carter** explained, but the sign cannot be approved administratively. Otherwise, he said, the applicant would be required to replace it with an on-site monument-type sign.

Mr. Ptasznik believed that, if approval is recommended, it should require conformity with current landscaping and sign ordinances.

Mr. Davis agreed, noting that to do otherwise is counter to efforts being made on Route 17 and the upper county to create attractive tourist entries.

Mr. Barba agreed with **Mr. Davis**, noting the Tourist Corridor Management district should be respected and he agreed with staff's recommendation to require conformity with the Zoning Ordinance in signage, landscaping, and moving cars out of the VDOT right-of-way. He was glad the applicant's business operation is successful enough to need more space and additional service technicians.

Mr. Staton asked what the effects would be to install the three landscape islands in the parking area, as staff proposed. **Mr. Baust** explained the islands would eliminate some prime display area. He added that a monument-type sign would also block the view of automobiles on display in the front lot.

Ms. Parker noted the TCM district requires a 20-foot landscaped area but the staff proposed three landscape islands as a reasonable compromise. Responding to **Mr. Ptasznik's** questions as to the type of landscaping, **Ms. Parker** said that would be the applicant's decision and that trees, shrubs or other landscaping elements are permitted.

Mr. Hamilton asked if the applicant was addressing the issue about paint fumes. **Mr. Baust** explained that current technology has practically eliminated the escape of fumes.

Mr. Ptasznik supported the conditions as proposed by staff.

Mr. Simasek noted the absence of landscaping detail but also that most of the landscaping will occur at the rear of the building. As to the landscape islands, he felt their value was more aesthetic than in total area. He was in favor of expanding the dealership, and would recommend that more landscaping be added in front of the building in the future.

Mr. Simasek believed the County should use this opportunity to "clean up" some nonconforming issues.

Mr. Barba moved the adoption of proposed Resolution PC04-26.

PC04- 26

On motion of **Mr. Barba**, which carried 6:0 (**Mr. Harvell** absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO
REZONE APPROXIMATELY 10,149 SQUARE FEET OFF THE SOUTH SIDE
OF SECOND STREET FROM R13 – HIGH DENSITY SINGLE FAMILY
RESIDENTIAL TO GB – GENERAL BUSINESS

WHEREAS, Daniel S. Jones has submitted Application No. ZM-89-04, which requests to amend the York County Zoning Map by reclassifying from R13 (High Density Single Family Residential) to GB (General Business) approximately 10,149 square feet of land located off the south side of Second Street (Route 162) at the southwest quadrant of Second Street and Merrimac Trail (Route 143), and further identified as portions of Assessor's Parcel No. 10-16; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of September, 2004, that Application No. ZM-89-04 be, and it hereby is, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from R13 (High Density Single Family Residential) to GB (General Business) approximately 10,149 square feet of land south side of Second Street (Route 162) at the southwest quadrant of Second Street and Merrimac Trail (Route 143), and further identified as Assessor's Parcel No. 10-16 and more fully described in the York County Registry of Deeds Deed Book 220, Page 339 and as shown on a plat titled "Plat Showing the Proposed Rezoning of 537A Second Street, County of York, Virginia," prepared by Rickmond Engineering, Inc., and received by the Planning Division on August 2, 2004.

Mr. Barba moved adoption of proposed Resolution PC04-27.

PC04-27

On motion of Mr. Barba, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE EXPANSION OF AN EXISTING MOTOR VEHICLE SALES
AND SERVICE FACILITY AT 539 AND 543 SECOND STREET**

WHEREAS, Holiday Chevrolet-Cadillac, Inc. has submitted Application No. UP-647-04, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 5(b)) of the York County Zoning Ordinance, to authorize expansion of an existing motor vehicle sales and service facility located at 543 and 539 Second Street (Route 162) and identified as Assessor's Map Nos. 10-19 and 10-18; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of September, 2004 the Application No. UP-647-04 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the expansion of an existing motor vehicle sales and service facility located at 543 and 539 Second Street (Route 162) and identified as Assessor's Map Nos. 10-19 and 10-18; subject to the following conditions:

1. This use permit shall authorize the expansion of an existing motor vehicle sales and service facility located at 543 and 539 Second Street and identified as Assessor's Map Nos. 10-19 and 10-18.
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the County for the proposed use. Said site plan shall be in substantial conformance with the sketch plan submitted by the applicant titled "Holiday Chevrolet-Cadillac, Inc., Proposed Site Conditions," dated August 31, 2004, prepared by Rickmond Engineering, Inc., and received by the Planning Division on August 31, 2004, except as modified herein or as may be necessary to comply with site plan review requirements.
3. All existing freestanding signage associated with the subject use shall be brought into compliance with current Zoning Ordinance Sign regulations applicable to the Tourist Corridor Management overlay district. The existing pole identification sign shall be removed and replaced with a monument style sign constructed of materials that coordinate with the proposed building addition facade materials.
4. There shall be three additional landscape islands installed along the front of Parcel 10-18 within the row of existing vehicle display parking spaces abutting the front right-of-way line. Said islands shall be equivalent in size to a standard parking space as set forth in the Zoning Ordinance, and shall be located one at either end of the row of parking, and one centrally located in the row of spaces.
5. A 35-foot landscape yard shall be established as shown on the above-referenced site plan bordering the southern property boundary of the entire subject site. Existing trees and shrubs shall be preserved where possible, and shall be supplemented with a mix of evergreen trees and shrubs for screening the vehicle sales facility from adjacent residential properties equivalent to a Type 35 transitional buffer. Screening shall be supplemented with opaque fencing no less than six feet in height of a type meeting the approval of the Zoning Administrator and located along the northern boundary of the landscape yard.
6. Except as specified in Condition Nos. 4 and 5 above, the site shall conform to landscaping standards as set forth in Section 24.1-240 et. Seq. of the Zoning Ordinance.

7. The proposed building additions shall be substantially in conformance with architectural elevations submitted by the applicant titled "Holiday Chevrolet-Cadillac, Inc.," dated August 2, 2004, prepared by Infrastructure, Inc., and received by the Planning Division on August 27, 2004.
8. All site lighting shall be designed with full cutoff fixtures and directed downward to prevent off-site glare on to abutting properties and the road right-of-way. Illumination levels shall not exceed 0.1 foot-candle at any residential property line. All lighting fixtures shall be consistent with the lighting recommended by the Illumination Engineering Society of North America (IESNA). A photometric plan detailing all proposed fixtures and ground illumination levels shall be submitted for approval at the time of application for site plan approval.
9. In accordance with Section 24.1- 256(d) of the Zoning Ordinance, a shoulder bikeway shall be constructed across that portion of the subject site abutting the Merrimac Trail right-of-way prior to occupancy of the proposed building addition.
10. In accordance with Section 24.1-475(h) of the Zoning Ordinance, there shall be no parking, storing or display of motor vehicles within the public road right-of-way fronting the subject parcels.
11. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.
- 12.
